M I N U T E S
BRAAM OVERSIGHT PANEL

September 15 & 16, 2005

Thursday, September 15
University of Washington School of Social Work
Commons Room

Panel members present: John Landsverk (Chair), Jeanine Long, Jan McCarthy, Jess McDonald, and Dorothy Roberts.

Plaintiffs' Attorneys: William Grimm, Casey Trupin, Tim Ferris, and Bryn Martyne

Assistant Attorney General: Steve Hassett

Guests (September 15 and/or 16): June Banahan, Rima Ellard, Paula Duranceau, Cheri Covert, Wanda Flesher, Dann Flesher, Steve Baxter, Daniele Baxter, Tess Thomas, Jim Theofelis, Gwendolyn E. Lawson Townsend, Zynovia Hetherington, Dan Robertson, Barb Putnam, MaryAnn Lindeblad, Paola Maranan, Cheryl Stephani, Bernard Ryan, Bryn Martyna, Tammy Cordova, Ross Dawson, Deborah Reed, Ginny Heim, Keith Talbot, Linda Mason Wilgis, Steve Norsen, Patrick Dowd, Byron Manering, Cindy Hofer, Sandy Ellingboe, and Laurie Lipppold.

Note: The minutes are a general summary of discussion and do not attempt to document every comment.

The meeting was called to order at 9:15 a.m.

I. Review and Update: September 8, 2005 Document

John Landsverk stated that the primary purpose of the meeting was to review the draft document and solicit comments from the parties and stakeholders. He indicated that the Panel has two months to complete the design document. The draft document does not at present include benchmarks, he said, as the Panel is still gathering information on baselines.

The first progress report on the settlement will be provided in draft form to the Children's Administration and the plaintiffs by December 15, 2005, and will be made public in January 2006.

Action steps

The Panel members discussed the provisions in the settlement agreement for modification of action steps; they are allowed 15 months after the agreement.

There was some discussion about when the clock began for this 15-month period. Casey Trupin said the plaintiffs interpret the agreement to mean the timeframe begins when the agreement was signed, thus action steps can be changed after October 31, 2005.

The group discussed the pros and cons of adjusting the action steps in the agreement. John Landsverk asked the parties to comment on the original rationale for the 15-month delay.

Steve Hassett said that the Department expected that in the first 15 months, action steps would be implemented and tested, therefore, after that period, it would be clear whether modification were needed. He said that the negotiations regarding the Panel, however, took longer than expected so the full time anticipated for implementation has not occurred.

John Landsverk noted that the agreement says that the action steps "may be modified" but it is not required. He said the Panel will make decisions on whether to adjust the action steps by looking at each one individually.

II. Placement Stability

John Landsverk noted that placement stability was a key topic in the litigation. He pointed out that the draft document from the Panel is missing action steps 8 through 14 in the settlement agreement; however, this was an oversight and it will be corrected in the next version.

Casey Trupin said the plaintiffs want to discuss the shift in the most recent Panel document from statistical outcomes to the language of "will improve" or "significantly reduce."

John Landsverk replied that the shift was made because of the type of outcomes that are covered in the most recent documents. He said that a goal of 100 percent is not clear regarding foster parent recruitment and retention.

Jeanine Long noted that the benchmarks will be added to the next document, and they will provide precise measurement points.

John Landsverk added that the Panel must consider what measurements are available, reliable, and appropriate for the goal at hand.

Casey Trupin said the numbers are important for the outcomes; the state needs to know precisely what standards it is to meet. John Landsverk replied that the next document will provide that information.

Laurie Lippold said that in the area of foster homes, another way to think about it is to aim for each foster child having three potential homes. This selection pool provides a good chance the right home can be identified.

Several people commented on the pros and cons of measurement approaches.

John Landsverk pointed out that people approach measurement issues with different goals. For those concerned about advocacy and values, for example, goals need to be set at 100 percent. For those focused on monitoring in the context of a court settlement, another number may be more reasonable. He said in the context of this document, a significant variation between the benchmark and performance means that the issue can be returned to court. In his view, the balance comes in ensuring improvement and progress while still keeping the matter out of court.

A member of the audience commented that the differences under discussion were issues of semantics and need to be separated more precisely to be meaningful.

Steve Hassett said it will be important to look at the goals, outcomes, and benchmarks together.

Laurie Lippold said that some areas of the document indicate “all foster children” whereas others are phrased as “significantly improve.” She said this inconsistency needs to be examined.

John Landsverk said the Panel will look at this issue.

Placements With Relatives

The discussion next turned to placements of a child in a home with kin and/or siblings. There was common agreement that these placements need special consideration in the multiple placement outcome. Members of the audience commented on the importance of relative placement; one person indicated that the search for relatives in Washington is inadequate. Some people suggested that an action step be added regarding diligent search for relatives. Dorothy Roberts said she agreed with this recommendation. Jess McDonald agreed also, adding that there are “state of the art” techniques that have been developed, such as the project described by William Grimm, and could be implemented in Washington.

Steve Hassett said there are specific statutes that reference relative search and give relatives a legal preference in placements.

The group discussed placement changes caused by moving a child to a setting where treatment is provided. Jan McCarthy said that children are often moved for treatment purposes and sometimes it is not necessary; the services could be brought to the home. Jess McDonald noted that if movements for treatment purposes are not counted, many moves will be put into that category, and the key reason will not be clear.

Gwendolyn Townsend pointed out that various terms are used when discussing this issue, including kin, relatives, blood relatives, and “fictive kin.” Comments were made that many people dislike the term “fictive kin.” She also noted that to increase the pool of foster parents of diverse backgrounds, specific recruiting efforts are required. The most recent RFP issued for this purpose did not allocate sufficient funds to accomplish the purposes of the proposal, and no one bid on the project.

Dorothy Roberts said she wanted to see similar language on racial disproportionality outcomes put into this section of the document. Several Panel members voiced agreement.

Jeanine Long said that in the legislature, the intent can be tracked through several means. For this Panel, however, it will be very difficult to track the intent because the meetings are not taped and the minutes are not verbatim. Over the seven years of the settlement, she said, memories will fade.

Laurie Lippold noted that the outcomes focus on children in foster case, but the class is broader, to include all youth dependent on the state, including youth in independent living skills and transitional living programs. The language needs to clarify this focus. John Landsverk agreed that this issue needs to be resolved. He said that the Panel needs to address whether facility placements can ever be safe and stable, given the research findings.

Jess McDonald said he wants to talk more in the future about having a pool of appropriate foster homes and would like to hear from stakeholders about how this goal can be realized.

III. Foster Parent Training and Information

Dorothy Roberts noted that the plaintiffs had indicated the importance of training for foster parents in the area of special education law.

Casey Trupin said the special education law is a critical area and that foster parents need to be able to advocate for children. The plaintiffs would like to see an action step on this topic. This topic may appropriately be located in the adolescent services section.

Steve Hassett said that school districts have the discretion to appoint foster parents as surrogate parents for purposes of the special education law; some allow this appointment and others do not. He said the Department and the Superintendent of Public Instruction sent a joint memo to school districts a couple years ago pointing out the steps that could be taken to appoint foster parents as surrogate parents. In Region IV, a survey of relative caregivers requested information on their highest needs. The response indicated that the greatest need was for respite care, and the second greatest need was for educational advocacy training. Region IV then contracted with the University of Washington Law School to provide such training. With the budget cuts in the last part of the previous biennium, this contract was terminated. He pointed out that some foster children are 16 and in high school but only have 2 credits; foster parents need empowerment to interact with the school district.

Several members of the audience commented on this issue. A representative from Team Child said the statutes indicate that school districts can appoint the person they believe is appropriate as a surrogate; the statute is silent regarding the training for that appointment. School districts do not have an obligation to train the individuals identified as surrogates. Team Child receives many requests for training from foster parents; foster parents, like biological parents, need help in this role with the school. The state is the responsible party, so they are the entity that must prepare foster parents for this role.

William Grimm noted that foster youth as a group have a high level of behavioral problems in school settings, and suspensions and expulsions are an issue. Foster parents need training on how to handle these issues as well as special education.

John Landsverk said the Panel is considering an annual survey of a representative sample of foster parents that will address several key areas, including support and training from the Department. The survey would be done by an independent entity.

The group returned to a discussion about the definitions of relative caregivers. The RCWs provide a statutory definition, with exceptions for tribes who can apply their own definitions. The workgroups on kinship care have been using the statutory definition. Under Washington law, kinship care is the same as relative care. The statute does not use the term “fictive kin.”

Laurie Lippold recommended using the term kinship care because it is more inclusive. Dorothy Roberts agreed, saying that the legal definitions are not inclusive enough.

Jeanine Long commented on the differences between kinship care and licensed care in terms of benefit level and support. Relatives can choose to be licensed, but if they do not, they are only eligible for a TANF child-only grant.

John Landsverk recommended that Roxanne Lieb propose a definition that honors and reflects the statute and procedures in Washington.

Zynovia Hetherington from the University of Washington School of Work noted that relatives and non-relatives need appropriate and adequate training as foster parents. Jess McDonald asked about Washington law, and what training could be required for relative caregivers under the law.

William Grimm asked about the rationale for assuming that relatives do not need the same training as other parents. He noted that a relative is not necessarily someone who is close to a child and could be as distant from understanding the child's needs and situation as a stranger.

Sandy Ellingboe from the Pierce County Regional Support Network reminded the group that relatives are sometimes not eager to take on foster children, and required training can create additional barriers toward the goal of relative care.

Jess McDonald pointed out that most people have arrangements with relatives to step in as caretakers if the parents die, and when that happens, how much training occurs? The extended family system does reduce the separation and isolation issues faced by children, but does not mitigate it entirely. Children will still react to the separation from their immediate family.

There was discussion about whether the Department is required to make training available to relative caregivers, or to ensure it is received. Should there be a minimum level of required training?

Steve Hassett said that training should not be a barrier to relative care. Some relatives may see required training as an affront or inappropriate, particularly if they know the child well.

A representative from the Treatment Foster Care Association said that the real issues are the barriers to licensure. These requirements could be reduced, and it would solve several problems.

John Landsverk summarized the discussion by saying that there was agreement about the value of offering training, with the questions centering on the amount that should be mandatory and whether to split the outcomes in the document in terms of relative and non-relatives.

Following a lunch break, the discussion continued.

Jess McDonald said that an outcome could be constructed that the Department have a pool of foster homes appropriate to the number of youth in foster care and related to their special needs. A profile could be developed for each region to help determine the relevant pool of foster homes.

Jeanine Long suggested that an action step could be created to have the Department assess their capacity to do a state-of-the-art relative search.

Steve Hassett said relative searches start by asking the parents about their relatives. The shelter care order includes a question for parents regarding Native American heritage and relatives on either side of the family.

John Landsverk questioned whether possible action steps will change practice, noting that the Panel does not want to weigh down the reform with too many prescribed activities. In his view, the action step regarding diligent search should not be too specific. The current variation among the regions could be instructive in terms of which approaches are most effective.

Jan McCarthy noted that there is not an outcome in placement stability related to kinship care. Jess said that it is covered in the next section.

Dorothy Roberts said that the document needs to be more consistent regarding issues of racial disproportionality. Each section needs to repeat the language so the intent is clear.

Jess McDonald asked if it is possible to compare people who did and did not complete foster parent training and learn the reasons for lack of completion. Is it transportation, hours, accessibility?

Roxanne Lieb was asked to get more information from the Department about how many applicants start training, how many quit, the reasons why, if know, and how these numbers pertain to kinship care.

IV. Unsafe and Inappropriate Placements

Cheryl Stephani said that the first outcome in this category needs to include approved relatives as well as licensed foster parents.

The question was raised whether foster children continue to be placed in adult detox facilities and how that placement is identified in the information system. The answer was that if the detox facility is operated by a sub-contractor, the CA information system will indicate that the placement is to a "mental health provider" and will not specify the detox facility.

What happens to children placed in apartments and motels? The answer is that it depends on who the child is with. If the child is with a relative, it would count as a relative placement. If the child was there with a DCFS staff person, the placement would be under the agency.

There was a discussion about the decision-making that needs to occur for a placement in an apartment or motel. Representatives from the Department indicated that placements in these settings are only allowed with the approval of a regional supervisor.

Sandy Ellingboe said that the prohibition against placements in adult psychiatric facilities is a real problem in some circumstances. She said that periodically, a foster care youth will need hospitalization and there simply are no beds available for children across the state; the only option for the Pierce County RSN is a placement in the RSN's hospital for adults. She said adequate supervision and treatment is provided in these circumstances. If the facility were not used, she said, the child would be left in the community and would not be safe. What are they supposed to do?

John Landsverk said that the settlement defines appropriateness, and it was intended to bring these deficiencies in resources to light so they can be remedied. The intent is to stop children from being placed in adult facilities, and the Panel is not here to make exceptions to that intent. Steve Hassett pointed out that action step 1 on page 18 makes an exception when there is proper supervision by an adult. The agreement allows exceptions for hotels but not psychiatric placements.

Jeanine Long asked if no other placement is available except an adult mental health facility, is it possible to separate the child? Sandy Ellingboe responded that such separation is possible but depends on the facility. She noted that there are very few children's hospitals in the state and many are going out of business; the potential placements are thus declining.

John Landsverk said the prohibition is against commingled facilities, and this means more than just having a separate room. It means staff assigned to the child be on duty 24 hours a day and awake.

Jess McDonald said that no adult to child contact must occur. That prohibition cannot be guaranteed if the two populations are in the same wing of a hospital but is possible with a separate wing. He said that if there are inadequate facilities for the regional support network at present, then the resources must be developed. The issue needs to be discussed with the mental health division of the state.

Steve Hassett said that the Panel's purpose is to monitor the Department in meeting the terms of the settlement agreement. If the Panel gets too specific, it will remove the Department's operational flexibility.

Jeanine Long responded that the Panel is not trying to micro-manage the Department, rather the group is sticking to the agreement's language and trying to craft outcomes that actually measure what the Department is doing.

William Grimm said the plaintiffs feel strongly that the prohibition against commingling in adult hospitals and detox facilities must be maintained, and commingling needs to be defined. If facilities are designed in part to serve youth, they should be adequate.

John asked why youth are not now placed in a facility for children. If other facilities are saying no to these placements, why is it that some facilities are available?

Sandy Ellingboe from the Pierce County Regional Support Network replied that their organization owns this particular facility, so they are able to accomplish the placement. Many hospitals are at capacity; sometimes foster children have been previously placed at a hospital and then refuse to take them again because they are the most difficult cases and pose significant behavioral problems, such as physical or sexual aggression. The children often require one-to-one supervision on a constant basis. Additionally, reimbursement rates are comparatively low.

MaryAnn Lindeblad from the Mental Health Division said the scope of this problem needs to be investigated.

John Landsverk said the Panel has a strong view on this issue, regardless of current resources. He asked if language in the settlement agreement and the outcome is precise enough. The parties need to come to agreement on the hotel exception issue. If the parties cannot come to agreement on the definition of "commingled," the Panel will define it.

Steve Hassett said it is important to learn how often children are now being placed in adult facilities.

Tim Farris said he does not care about the frequency; it should not happen at all. The discovery revealed dozens and dozens of children whose placement was a DSHS office. He said difficult cases often act as the "canary in the mine" and are revealing about everyday practices. The problem is not with the statistics, he said, the problem is that the state has put itself in the position of having limited options and has not solved that problem.

Casey Trupin said the plaintiffs will propose language on this matter. In the past, the Department has relied on crisis residential centers to warehouse youth in foster care. These facilities were not developed for foster youth, he said, they were designed for non-dependent runaways. In addition, the second outcome, as drafted, does not specify where the face-to-face visits with youth in foster care are to occur. The Departmental policy is for in-home health and safety visits to occur every 90 days. Starting in October, the policy for voluntary and in-home placements will be in-home visits

every 30 days; however, this is not for children in the settlement class. The Department's intent is to move toward the 30-day visit as a goal, but the current standard is to see the child every 30 days and in the home every 90 days.

Jess McDonald noted that the Council on Accreditation standards is for in-home visits every 30 days, and he does not understand how the Washington offices are meeting the accreditation standards.

Jan McCarthy said that, depending on the age of the child, a distinction could be made regarding home visits. In her view, older children are sometimes more candid outside the home.

Jess McDonald said that the visit every 30 days is the minimum; a check on safety in the home is very important. Pulling foster children out of class at school to see them, as is often done, is not an appropriate means to meet this standard, nor is a "drive-by" visit. The visit must accomplish real purposes and allow the caseworker to make judgments about the situation. This issue must be discussed in the context of caseload standards; the Panel has not yet been given the Department's plan to meet the accreditation standards for caseloads. He added that the language in the outcome is not clear whether the social worker must visit the family, child, and caregiver separately. The outcome references the child, however, the action step talks about all three. He also asked about the department's policy regarding the maximum number of children in a placement, especially for children with physical and sexual aggression histories.

Jan McCarthy asked about the definition for physical aggression in the Department's policy. She said that when a placement decision is made about relative care, she is not certain if the training occurs prior to the placement when the children have aggression histories. The issue is not exclusively one of training, she said, but also a capacity issue. The family may have had training, but the Department may not provide the necessary resource to keep a child safe.

John Landsverk asked how the Department knows if the training is effective.

Tim Farris said he is handling a case where the family had 13 children in their home—three biological children and ten foster youth placed by the Department. It was a 70-acre farm and there was no way to monitor behavior at night. Five minor females were assaulted, and the situation ended up with seven convictions.

Danielle Baxter said children who have acted out sexually and physically are capable of success and can be placed together. Proper in-person supervision is essential. It is expensive; a staff person must be awake at all times. It is good to have these children in a home environment.

Tess Thomas said she has had difficult children in her care for 12 years at Thomas House and has never had an incident. She tells the children that she "can hear a rat tinkle on a ball of cotton" and they know that someone is listening to what is happening all the time.

There was discussion about the measurement standards for safety. William Grimm said that the federal review focuses on substantiated cases of abuse and neglect and this standard is not adequate. What about licensing violations that place a child at risk but do not rise to the level of abuse or neglect? We need to distinguish between certain issues like working fire extinguishers and more critical issues like inadequate feeding.

An audience member pointed out that identification of licensing violations can be a good thing, and we do not want to create disincentives for the state to take action against violations.

Cheryl Stephani said the data regarding violations and corrective actions bears some analysis. We need to look at the problem more clearly and figure out how to solve it.

Zynovia Hetherington pointed out that if neglect or abuse is found in a foster home, then the child is moved and the result is a higher number of placements. Thus, the outcome measures of safety and multiple placements are linked.

Tim Farris suggested that an additional action step be considered related to the timeliness of investigations. He said the Office of the Family and Children's Ombudsman found out that the investigations take 272 days, on average, to complete. We may need to collect data regarding the timeliness of investigations.

V. Sibling Separation

The Panel asked how the state fared on this measure with the federal review. Ross Dawson said that the standard is for 90 percent placement of youth with one or more siblings, and the state achieved an 87 percent rate. The federal government relies on a 25-case review for their determination, but Washington has established a 1500-case review process. Jeanine Long said she was interested in seeing the trend over time.

William Grimm asked if the federal standard makes sense for the settlement measure. John Landsverk said it would be possible to add other dimensions, such as the geographical distance between siblings not placed together. Jeanine Long mentioned the foster home "hub" model where homes are placed close together.

Linda Wilgis from the Office of the Family and Children's Ombudsman asked about the situation where children are related to one parent and how are decisions made about the priority when the choice is relative placement or with-sibling placement.

Jess McDonald replied that those questions are typically handled through a "best interest" standard.

VI. Implementation and Monitoring

Jeanine Long said it was important to discuss how the Panel will produce data-based measurement to assess the Department's progress.

John Landsverk described three options:

- The Department is responsible for producing the data according to Panel specifications.
- Panel staff take data with personal identifiers stripped and produce the analysis and tables.
- Panel staff work with Department staff to establish rules for measurement, down to the syntax for computer code. This option would be like the first but with expanded oversight and auditing by the Panel.

John Landsverk asked the parties what was anticipated in the settlement.

Tim Farris said the plaintiffs were aware of the importance of data collection but were uncertain about the capacity and options. He said he is intrigued by the 1500-case review discussed by Ross Dawson and wonders if that review could include some of the settlement outcomes. Since the settlement concerns about a third of the children in the child protection/child welfare system in the state, perhaps one-third of the cases could focus on foster care youth.

William Grimm said the agreement calls for the Panel to have unfettered access to the Department's data. The intent is that the Panel not rely on a single data source, but rather a variety and, thus, test the accuracy through multiple efforts. Case files can be used for some questions.

An audience member spoke about the importance of looking at the data in multiple ways to ensure accurate interpretation. He suggested using students from universities in this effort.

Jess McDonald agreed that aggregate data from the Department's information system will not be sufficient to answer all questions.

Casey Trupin pointed out that the agreement also calls for the plaintiff's counsel to participate in the Department's quality review process.

John Landsverk said the Panel is operating with the assumption that the progress report will be distributed first to the Department and the plaintiff's counsel and embargoed until the Panel determines it is ready for release to the public.

John then turned to the issue of staging or prioritization. He noted that the settlement agreement focuses on several areas for reform and includes numerous changes in administration and procedure. He asked if those involved in drafting and signing the agreement anticipated that certain items would be handled first and others set for action at a later date. This issue comes into focus particularly when the benchmarks are determined, as they set dates for accomplishment.

Jeanine Long said that she is most interested in the parties' views on the question of priorities.

VII. Mental Health, Adolescent Services

Steve Hassett noted that the agreement in the areas of mental health and adolescent services were the least defined. The Department's reform plan in Kids Come First 2 outlined plans and did include staging, so prioritization was assumed in that document.

Ross Dawson said that he believes safety is the top priority.

Jeanine Long said that caseload reduction is a high priority in her view, as well as foster parent retention and recruitment. Without these two reforms, she said, you cannot accomplish the other goals.

Tim Farris said the disconnect between the Mental Health Division and the Children's Administration has been an intractable problem so far. These are two systems that need to work together. Many youth in foster care move to multiple placements because their mental health issues are not addressed. Mental health problems should be identified in the initial assessment, then treated and watched in follow-up; this treatment needs to include substance abuse issues.

Jeanine Long said she welcomes input from the Department on this question.

Cheryl Stephani said that she is focusing on foundational issues in the system. Given the budget cuts, morale issues, and responses to reform, the Children's Administration has to face foundational issues before tackling specific program changes.

Casey Trupin said that he does not believe staging should delay certain goal areas altogether; however, he does support staging of some action steps. He also said it is important not to think that by addressing one problem, it will be fixed.

Zynovia Hetherington pointed out that in supervising interns who are working with families, she has learned that it is not possible to separate key issues.

Jess McDonald said the settlement agreement sets high expectations on people and these cannot be watered down. The Panel needs to look at caseload reports by office, by worker, and he wants to see this information from the Department. He does not want to get sandbagged on workforce issues. Caseworkers do the actual work, and we need to know what they are doing.

Cheryl Stephani asked that this request for caseload information be made in writing. In addition to the written request, Children's Administration needs to have a conversation with Jess McDonald regarding the caseload so he can understand the workloads. Jess said he can tell them exactly the type of format he needs for this report.

The meeting was adjourned at 5:00 p.m.

Friday, September 16
Casey Family Services
23rd and Union, Seattle

Panel members present: John Landsverk (Chair), Jeanine Long, Jan McCarthy, Jess McDonald, and Dorothy Roberts.

Plaintiffs' Attorneys: William Grimm, Casey Trupin, Tim Ferris

Assistant Attorney General: Steve Hassett

The meeting was called to order at 9:15 a.m.

I. Summary Comments From Previous Day

John Landsverk said the Panel will have an additional public meeting in November to review a preliminary report. The date will be announced.

II. Professional Standards

Jess McDonald reported that professional standards will be included in the next document. The Panel is working with the Council on Accreditation (COA) and identifying applicable standards from this organization. The COA is now field testing a new set of standards and the Panel is likely to use this version which includes references to research literature.

At present, about 17 DCFS offices are accredited with the COA. Drafts of the COA standards as well as a "crosswalk" between the settlement agreement and the COA standards will be shared with the parties. Jess said that there are some standards that could be prioritized in the action steps. The accreditation activity is intended to be meaningful, not just a compliance tool. It can change the culture and practice of a system.

John Landsverk asked if Jess anticipated using standards from other organizations, as well. Jess replied that there may be other standards, particularly in the area of mental health.

Casey Trupin said that the plaintiff's attorneys want to see standards from other organizations if the COA measures leave gaps.

Steven Norsen from the Mental Health Division said that it is important to ask what problem one is trying to solve and to focus on the "empty spot" to identify the best possible standard.

Casey Trupin said the term "professional standard" has meaning as a legal term in this case. If there is contention about this, it may be necessary to return to court to clearly define the meaning.

Jan McCarthy noted that the professional standards can be used in enforcement proceedings. She wonders how this avenue of action is related to the monitoring process used by the COA.

Jess McDonald said that the current peer review process associated with accreditation is not sufficient for purposes of the settlement. The review can vary greatly depending on who is on the review team.

Casey Trupin noted that there is a distinction that needs to be understood. If the Department departs from the outcomes, benchmarks, and action steps and is in violation, the matter is dealt with under the enforcement section of the agreement. For the professional standards, however, a violation may be a violation against the youth's constitutional right.

Steve Hassett said it is important that the professional standards be tested in the real world, rather than be aspirational like the Child Welfare League of America's. He said the Supreme Court indicated that the state is liable for constitutional due process only when the care and treatment substantially departs from the standards, judgment, and practice in the field.

Tim Farris said that it is best for the standards to define clearly what is expected.

Jess McDonald recommended that the Department review the proposed standards and compare them to the action steps in the settlement. He noted that the self-study process used by the Washington offices to determine their accreditation will not satisfy the professional standards in the settlement. For example, the professional standards will require a consistent policy across the state and not allow offices to indicate that they are not to be held to a particular standard. Unless the Department approaches the accreditation process with the right attitude, it will merely be another task and few benefits will occur.

John Landsverk said that the Panel does not have the crosswalk that the Department did between the accreditation standards and the settlement items. He asked that it be provided to the Panel.

Ross Dawson asked about the accreditation standards in the COA that are not related to the settlement. John Landsverk replied that these will not be referenced in the document.

III. Mental Health, Adolescents Services

John Landsverk said that in this area, the Children's Administration and Mental Health Division are jointly responsible for meeting the settlement terms.

Cheryl Stephani said that the Department commented at the last meeting about the resource difficulties in meeting the 72-hour initial health screening and will provide detailed comments in writing.

Jess McDonald asked what the policy is for these screenings in offices that are accredited, as the standards call for the screening to occur in 72 hours. He noted that the COA peer reviewers appear to have allowed this deviation.

Dorothy Roberts asked about the Department's objections. Cheryl Stephani said that it is their goal to meet the standard. Dorothy asked if the CA's issue was about how to meet the goal, not the merit of the goal. Cheryl agreed. Both parties agreed that the goal in the settlement was set based on what the parties desired, not on a COA standard.

Casey Trupin said the goal is 100 percent compliance with the screening, not necessarily that 100 percent are screened within 72 hours.

Bernie Ryan asked why the goal was being changed from 30 days to 72 hours. Jess McDonald said that having this screening occur in 30 days is wrong; 72 hours is the professional standard and accepted practice at this time. In many states, children are screened before they enter care.

Steve Hassett said the Department continues its objection to the 72-hour provision and wants to make sure that it is on record as objecting.

Jan McCarthy said that the third action step is very important and needs to have a date associated with it. The four action steps are to be read sequentially. She recommended that this outcome and action step belong more appropriately under unsafe placements.

Steve Hassett said the Department continues to object to the 72 hours no matter which section it is in.

Casey Trupin agreed that it belonged in the safety section.

A member of the audience noted that the issue is the child's welfare. It is useful to look at distribution curves to see how many children are screened by which day.

There was discussion about the relationship between the EPSDT exam and the initial health screening. An audience member asked if the urgent and comprehensive exam could be combined into one appointment. Someone noted that in many cases, the initial exam is done with little medical history and, thus, often there is insufficient history to perform a comprehensive exam.

Casey Trupin said that there should be notification of appeal rights when the assessment is denied.

Roxanne Lieb was asked to check on the language used in the contracts with the RSNs regarding the notification of appeal. Someone noted that the key issue is who receives notice regarding the appeal, and that it should be sent to the foster parents as well as the Department.

Jan McCarthy noted that the outcome provides that treatment must commence within 30 days of assessment, if the screening indicates that treatment is needed. She said the language regarding meeting medical necessity is not in the last draft because the Panel believes that the assessment itself establishes medical necessity. The purpose is to ensure that the youth receives treatment, whether it is from the Mental Health Division through the RSN, or from the CA through its funds.

Jeanine Long suggested that the language regarding "no wrong door" staffings be eliminated.

Someone suggested that the "best interest" provision be defined. Steve Hassett noted that no one, including the legislature and courts, has been able to adequately define this term.

Jan McCarthy suggested that the glossary could include examples of what did not meet that standard as a way to define its meaning. Some members of the audience suggested that this approach has never been successful, because there are always individual circumstances.

Jess McDonald said that another approach is to delete the phrase and require people to submit reasons and thus hold them accountable through this means. He asked if the Mental Health Division has standards now on continuity of treatment. The response was yes, and Jess asked to see them.

John Landsverk asked if clarifying language and examples could be added.

John indicated that given the late hour, it was important that members of the audience raise issues that had not received attention so far. The following comments were made:

- Jim Theofelis said that the document does not include enough references to chemical dependency and substance abuse. These treatment services are just as important as mental health services.
- An audience member noted that for goal 4, outcome 1, a mechanism should be provided to document and oversee exceptions to the rule. One option would be to have both providers sign a document and indicate whether they agree with the change in treatment.
- Someone asked if goal 1, outcome 2, action step 4 regarding referrals to ITEIP, should be changed or deleted, since the CA does the screening and referral.
- In terms of goal 2, outcome 1, step 5 that calls for screening every 12 months. Is this the same step as the EPSDT or an additional requirement?
- Does the EPSDT count as a qualified screening? It is billed as a thorough screening in the Medicare system.
- The Panel needs to be clear about what constitutes a valid screening instrument.
- It is useful to look at all the screening instruments that are used and the pathways set up in the state before imposing this burden above the COA standards. There is a potential redundancy as well as inefficient use of funds.
- The RSN agreement in goal 3, outcome 4, step 2 conflicts with Medicaid regulations by calling foster care youth a distinct population. (Others disagreed with this assertion.)
- Is the term "qualified mental health provider" the best term to use, or could it restrict people who are providing evidence-based services?
- Is cultural competency an aspect of who is a qualified mental health provider?

IV. Services to Adolescents

An audience member noted that the first action steps in goal 1, outcome 1 will be difficult to track.

For step 3, the phrase "and subsequent legislative sessions" should be added so the requirement is open-ended. Also, next year is not a budget writing year, so it would not be appropriate to submit governor-request legislation.

Jeanine Long said that the Panel's outcome is phrased in terms of assisting youth with transition, not providing the services, so the fiscal impact on the state is reduced.

William Grimm said that Washington's transition services for adolescents are far inferior to those in other states. Only youth in certain educational situations are allowed to remain in care. Once the youth graduates from high school, there are no services available.

Steve Hassett said that the Department contends that youth who are 18 or older are not in the Braam class. Casey Trupin disagreed with this assertion, saying that the Department could enter into an agreement with youth before they turn 18 and, thus, they would still be in the class.

Jeanine Long said she wants to know what services are currently offered to youth. How many of them receive transitional services and what does it consist of? The Panel needs detailed information regarding this issue. She wants clarification from the Department on the second and third action steps, how they are linked, and whether they are now being done.

Gina Brimner said the Department does provide support through the Chafee Plan in terms of Independent Living Skills.

Tess Thomas noted that persons convicted of a felony are not eligible.

John Landsverk requested that both parties provide their thoughts to the Panel on the best approach to take regarding youth aging out of the foster care system.

Jim Theofelis said the state needs to provide a systematic approach to bring youth back into the system after they run away. Where does the youth go to re-establish contact? This place needs to be youth-friendly. Many youth will not return to the foster home they ran from, or if they are willing to return there, sometimes the bed has already been filled. Could they re-enter the system through a HOPE center?

Zynovia Hetherington agreed that giving youth a route back to the foster care system is important.

Casey Trupin asked that the Department report to the Panel regarding the new educational coordinator positions and what they have learned regarding educational access, stability, etc. This action could be accomplished as part of the Panel's monitoring activity, since the educational coordinator positions are established as part of the settlement agreement.

Jan McCarthy asked for clarification regarding the action steps for post-guardianship support and regional resource centers. Why were they placed in the adolescent services section?

Steve Hassett explained that Washington law allows a dependency guardianship option; sometimes these relationships do not work out and the youth returns to the foster care system.

Jess McDonald asked whether the Department had completed its redesigned adolescent system. Cheryl Stephani replied that it will be completed within the next two weeks and will be provided to the Panel.

John Landsverk urged those with additional comments to send them to the Panel in writing.

The meeting was adjourned at 1 p.m.